

REMARKS

Upon entry of the current amendment, claims 97, 99 and 105-111 will be pending. No new matter has been introduced by the current amendment. The subject matter of the pending claims and proposed amendment has already been considered and is under the examination.

The undersigned would like to thank Examiner Sharon Turner for taking the time for a telephone interview on December 16, 2003. During the interview, Examiner Turner indicated that the proposed amendment would place the subject application in condition for allowance. Accordingly, Applicants respectfully request entry of this amendment.

Election/Restrictions

The Office Action states that elements (4) and (5) of claims 97 and 99 were withdrawn from consideration as being allegedly independent or distinct from the originally presented inventions. In response, Applicants respectfully traverse this objection. Nevertheless, Applicants without conceding the correctness of the Examiner's objection but to expedite prosecution of the subject application have herein amended claim 97 and 99 such that it no longer recites the text of elements (4) and (5).

Claim Objections

Claims 97, 99 and 105-108 were objected to as reciting an improper Markush Group. In response, Applicants have herein amended claims which depend therefrom, such that they no longer recite the subject matter of elements (4) and (5).

Rejections under 35 U.S.C. 112

Claims 97, 99 and 105-108 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention at the time the application was filed.

The Examiner stated in the Office Action that there was no support for the recitation "a conserved C-terminal seven-cysteine skeleton 60% identical to residues 38-139 of SEQ ID NO:

5" in the claim's element (1), and no support for the recitation "a conserved C-terminal seven-cysteine skeleton 70% homologous to residues 38-139 of SEQ ID NO: 5" in element (2).

Applicants amended claims 97 and 99 element (1) so that it now recites "a conserved C-terminal six-cysteine skeleton 60% identical to residues 43-139 of SEQ ID NO: 5." The support for this amendment is found at page 40, lines 21-25 of the specification, among other places.

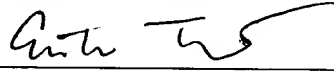
With regard to claim element (2) and the newly added element (3), Applicants respectfully direct the Examiner's attention to page 39, line 19 – p.40, line 1 of the specification. On page 39, starting from line 19, the specification discloses these claimed sequences. On line 21, the specification states "the C-terminal 96-102 amino acid residues of . . . OP-1 . . . (See . . . Seq. ID Nos. 5-14)." During the interview with Examiner Turner, Applicants noted that 96-102 refers to the length of the domain and not the residue position. SEQ ID NO: 5, for example, is a 139-amino-acid residue sequence, and the 102 amino acid residues at the C-terminal of SEQ ID NO: 5 are residues 38-139 (the seven cysteine skeleton). In addition, the 96 refers to residues 43-139 of SEQ ID NO: 5, *i.e.* the six-cysteine skeleton. Therefore, the recited domain includes both the seven-cysteine skeleton and the six cysteine skeleton. The paragraph continues to state that "other useful sequences are those sharing at least 70% amino acid sequence homology or "similarity". . . with any of the sequences above." The "sequences above" includes the C-terminal seven-cysteine skeleton and the C-terminal six-cysteine skeleton. Therefore, Applicants submit that the specification fully supports the claimed invention.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Please charge our Deposit Account No. 18-1945, under Order No. JJJ-P06-504, for the requisite fee for a one-month extension from which the undersigned is authorized to draw. Applicants note that the subject application is entitled to small entity status as reflected on the official filing receipt and the fee paid with the Continued Prosecution Application (CPA) filed on July 6, 2000. Accordingly, even though fees have inadvertently been paid at the large entity rate, Applicants contend that the application was still entitled to small entity status. Accordingly, the fee for the extension of time is being paid at the small entity rate. Applicant believes no additional fee is due with this response. However, if a fee is due, please charge our deposit account above for any such fees.

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Respectfully submitted,

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